

Applicants: Philip O. Livingston et al. ✓  
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REMARKS

Claims 1, 6-8, 11, and 14 are pending in the subject application. Applicants have hereinabove amended claims 1, 11, and 14. Accordingly, upon entry of this Amendment, claims 1, 6-8, 11, and 14 will be pending and under examination.

Applicants maintain that the amendments to the claims 1, 11, and 14, do not raise any issue of new matter, and these claims, as amended, are fully supported by the specification as originally filed. Support for the claim amendments is found, inter alia, in the specification as follows: Claim 1: page 20, line 27; page 7, lines 3-8; page 4, line 21 to page 5, line 8, page 10, lines 4-8 and 10-16, page 21, line 15 to page 22, line 21, page 23, lines 6-8, page 24, line 24 to page 25, line 17, page 28 (Table 4), page 40, lines 27-32, and page 46, line 28 to page 47, line 4; and Claims 11 and 14: page 20, line 27; page 7, lines 3-8; page 4, line 21 to page 5, line 8, page 10, lines 4-8 and 10-16, page 21, line 15 to page 22, line 21, page 23, lines 6-8, page 24, line 24 to page 25, line 17, page 28 (Table 4), page 40, lines 27-32, and page 46, line 28 to page 47, line 4. Accordingly, applicants respectfully request that this Amendment be entered.

Rejections Under 35 U.S.C. §103(a) - Obviousness

The Examiner stated that claims 1, 6-8, 11 and 14 are rejected under 35 U.S.C. §103(a) as unpatentable over Jennemann et al. in view of Vangsted et al. and Kensil et

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al. for reasons of record. The Examiner maintained that the Jenneman et al. teaches a conjugate comprising fucosyl GM1 and KLH and suggests QS-21 as taught by others as an adjuvant for a GM2-KLH conjugate. The Examiner stated in part that Vangsted et al. teaches use of fucosyl-GM1 for treating SCLC and that Kensil et al. teach the effects of Quillaja saponins on vaccines comprising KLH.

Applicants respectfully traverse the Examiner's rejection. However, in order to expedite prosecution, but without conceding the correctness of the Examiner's position, applicants have hereinabove amended claims 1, 11, and 14. The amended claims are directed to a lyophilized composition. Applicants note that the lyophilized composition disclosed in the specification elicited dramatically higher antibody titers than the composition stored at 4°C (e.g. IgM ELISA titer of 1/24,000 compared to 1/900 at 4°C storage, see Table 1 on page 20). In light of this, applicants note that Jenneman et al. teaches 4°C storage, and further note that nowhere in the combination of cited references is a lyophilized composition comprising the conjugate, QS-21 and a carrier as recited in claim 1, 11, or 14 taught or suggested. In addition, the cited references in combination do not teach or suggest that lyophilization will lead to a different product of higher efficacy. Thus, the cited references in combination do not teach applicants' claimed invention because they do not teach or suggest all elements of the claimed invention. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection.

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Claims Rejected Under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claims 1, 6-8, 11 and 14 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for the term "wherein the fucosyl GM1 ganglioside derivative:Keyhole Limpet Hemocyanin molar ratio in the conjugate is from 400:1 to 1400:1".

Applicants respectfully traverse the Examiner's rejection. However, in order to expedite prosecution, but without conceding the correctness of the Examiner's position, applicants have hereinabove amended the claims to remove the phrase objected to by the Examiner solely for clarity.

If a telephone conference would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

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No fee is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

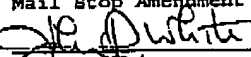
Respectfully submitted,



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